

Response and Amendment

Applicant Docket No. 05002.1060

REMARKS

The applicant has submitted the foregoing amendments to the specification and the claims. The applicant respectfully submits that the claims, as pending after the entrance of this amendment are in condition for allowance and requests the Office to issue a notice of allowance.

Status of Claims

Claims 1-5, 11-15, 19, 21-25, and 29 have been canceled without prejudice, meaning that the applicant reserves the right to file the canceled claims in a continuation application. Claims 6, 10, 16, 17, 20, 26, 27 and 30 have been amended to overcome the Office's objections. The remaining claims now depend from amended claims that are in condition for allowance. Thus, the applicant respectfully submits that claims 6-8, 10, 16-18, 20, 26-28 and 30 are now ready for allowance.

Specification

The Office objected to the disclosure due to informalities, namely, updating the information appearing on page 8 and lines 25-32 of the specification. The applicant has submitted replacement paragraphs to resolve the rejection. Namely, the applicant has submitted paragraphs that provide complete information regarding the patent applications referenced within the text of the specification.

Claim Objections

The Office objected to the claims as not correctly labeling an amended claim as "currently amended". The presently submitted claims are properly labeled.

Response and Amendment

Applicant Docket No. 05002.1060

Claim Rejections – 35 USC § 112

The Office has rejected claim 1 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. More specifically, the Office has alleged that the claim language of:

software plug-in to automatically transfer the information from the web site into the local database in the handheld Internet appliance, the transfer performing all necessary format conversions and taking place independent from a synchronization operation,

is not enabled by the specification. The Office alleges that the format conversion process is performed by the transcoding server and not the software plug-in. However, the applicant directs the Office's attention to page 14, lines 25-34 and page 15, lines 1-10. In this passage, the specification states that one of the functions of the software plug-in is to format the information to be saved according to the local database to which the information is going to be transferred.

Thus, the applicant respectfully submits that this element of claim 1 is indeed enabled in the specification and requests the Office to remove this rejection.

The Office has rejected claim 1 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More specifically, the Office states that the language of 'inserting an API in the web site' gives the meaning that the API was not previously located on the website. In addition, the Office states that the language of 'inserting a user interface in the website' give the meaning that the user interface was not previously located on the website. In addressing both of these issues, the Office states that the handheld appliance must insert the API and/or the user interface into the website.

The applicant respectfully disagrees with the Office and asserts that the invention as

Response and Amendment

Applicant Docket No. 05002.1060

claimed is adequately disclosed in the specification. However, to facilitate the Office's understanding of this claim, the applicant has slightly amended the claim. In addressing the Office's allegations, the step of inserting an application program interface in the web site is disclosed on page 13, lines 7 to 18. This is not performed by any particular device but rather, is simply a step included in the method of enabling the website as claimed. Further, in one embodiment of the invention, if the transcoding server detects that the application program interface is present on the web site, the transcoding server inserts the user interface on the website. However, as a method claim, the claim is not only limited to this embodiment. Finally, claim 1 has been amended to show that the software plug-in is located in the handheld Internet appliance as supported on page 12, lines 11-22 of the specification.

Thus, the applicant respectfully submits that the rejections of claim 1 based on 35 USC 112 should be removed.

The Office also stated that claims 9, 19 and 29 were rejected based on a lack of antecedent basis for the limitation of a "the second web site".

The applicant would like to point out that each of the 112 based rejections raised in this final action were not raised in the first office action although the issues raised could have been raised in the first office action. However, the applicant has canceled claims 9, 19 and 29 in the interest of furthering this case to allowance and reserves the right to prosecute these claims in a continuation application.

Claim Rejections – 35 USC § 102

The Office has rejected claims 1-5, 11-15 and 21-25 under 35 U.S.C. 102(a) as being anticipated by OmniSky, release 2.0. These claims have been canceled and thus, without addressing the Office's specific rejection, the remaining claims are now in condition for allowance.

Response and Amendment

Applicant Docket No. 05002.1060

Allowable Subject Matter

The Office has indicated that claims 6-8, 10, 16-18, 20, 26-28 and 30 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant has amended these claims accordingly and respectfully requests the Office to issue a Notice of Allowance.

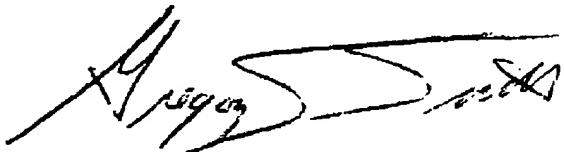
Response and Amendment

Applicant Docket No. 05002.1060

CONCLUSION

Applicant respectfully submits the claims as presented in this response are allowable over the cited art and respectfully request the Office to move this case towards allowance. The applicant invites the Office to contact the undersigned at its convenience should the Office believe it would facilitate prosecution of this application. Applicant thanks the Examiner for consideration of this application.

Respectfully submitted,



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Applicant Docket No. 26001.1003

Please forward this information to the appropriate personnel:

Please change the docket number for:

Serial Number 09/634,380

Filed on April 13, 2001

In the name of David K. Rensin

to:

05002.1060